

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------|---|------------------------------|
| THOMAS JEFFERSON FLEMING, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 12-229 Erie |
| v. |) | |
| |) | |
| KIMBERLY BARKLEY, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on September 27, 2012 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 4], filed on November 1, 2012, recommended that the action be dismissed due to Plaintiff's failure to prosecute. Plaintiff was allowed fourteen (14) days from the date of service to file objections. Service was made on Plaintiff and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 26th day of November, 2012;

IT IS HEREBY ORDERED that this action is DISMISSED due to Plaintiff's failure to prosecute.

The Report and Recommendation [ECF No. 4] of Magistrate Judge Baxter, filed on November 1, 2012 is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge